

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:11CR26-01  
(STAMP)

TAOWEI YU,

Defendant.

**ORDER CONFIRMING PRONOUNCED ORDER OF THE COURT**  
**AFFIRMING AND ADOPTING REPORT AND**  
**RECOMMENDATION OF MAGISTRATE JUDGE**

On September 1, 2011, the defendant in the above-styled criminal action filed two motions to suppress.<sup>1</sup> On September 29, 2011, United States Magistrate Judge James E. Seibert issued a report and recommendation recommending that both motions be denied because the defendant signed a plea agreement and orally moved to withdraw his motions to suppress. At the defendant's plea hearing, held on October 17, 2011 at the Wheeling point of holding court, this Court affirmed and adopted the report and recommendation of the magistrate judge and denied both pending motions to suppress as moot. This order hereby CONFIRMS the pronounced order of the Court and AFFIRMS the magistrate judge's report and recommendation and DENIES the defendant's motions to suppress as moot.

The Clerk is directed to transmit a copy of this order to the defendant and to counsel of record herein.

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<sup>1</sup>The first was a motion to suppress the search of the vehicle, and the second was a motion to suppress statements.

DATED:       October 17, 2011

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE